

Notice of Allowability

Application No.

10/724,150

Examiner

Janis L. Dote

Applicant(s)

TOMITA ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Dec. 13, 2006.
2. ☒ The allowed claim(s) is/are 1-6,10-13,16 and 20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. The examiner acknowledges the amendments to claims 1 and 12, and the cancellation of claims 17-19 set forth in the amendment filed on Nov. 29, 2006. Claims 1-6, 10-13, 16, and 20 are pending.

2. The examiner has considered the copending applications listed on the "List of related cases" filed in the Information Disclosure Statements filed on Nov. 29, 2006, and Dec. 13, 2006.

3. The examiner has crossed-out the references Japanese Patent documents 2002-287400, 2002-287421, 2002-221812, 07-146588, 2000-338709, 2000-172005, and 2002-049220, listed on the form PTO-1449, filed on Oct. 4, 2006, because applicants did not provide copies the said documents. For each of the seven references, applicants only provided copies of a Patent Abstracts of Japan English-language abstract describing the reference and a Japanese Patent Office machine-assisted translation of the claims in the reference.

The examiner has considered the abstract and claims for each of the seven documents. The examiner has properly listed the references under the heading "Non-Patent Documents" on the attached form PTO-892.

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EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Kirsten A. Grüneberg (Reg. No. 47,297) on Feb. 8, 2007.

Claims 1 and 12 have been amended as follows:

In claim 1, at line 4, after the phrase "aqueous liquid" insert the phrase -- to form a dispersion, wherein the dispersion --; and

at line 5, delete the word "which".

In claim 12, at line 6, delete the phrase "aqueous liquid used to prepare said".

Antecedent basis in the originally filed specification for the examiner's amendment to claims 1 and 12 is found at page 11, lines 1-8, and page 40, lines 15-26, and in the examples, e.g., example 1.

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Antecedent basis for the examiner's amendment to claims 1 and 12 is also found in the certified English-language translation of the priority document Japanese Patent Application No. JP2002-347478, filed on May 31, 2005, which is incorporated by reference at page 73, lines 1-4, of the instant specification, at page 31, lines 19-26, and in the examples, e.g., example 1.

5. The examiner's amendment to claim 1 avoids a rejection under 35 U.S.C. 112, second paragraph of claim 2, for lack of antecedent basis for the step of forming the modified polyester (i) in step (A). The examiner's amendment to claim 1 overcomes the rejection of claim 1 under 35 U.S.C. 112, second paragraph set forth in the office action mailed on Aug. 29, 2006. The examiner's amendment to claim 12 provides claim language that is consistent with the disclosure in the instant specification.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLD

Feb. 8, 2007

Janis L. Dute
JANIS L. DUTE
PRIMARY EXAMINER
GROUP 1500
1700

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/4/06;11/29/06;12/13/06.